

Page 1 of 2

ITEM NO. 2**Bari Studio Minor Use Permit No. UP2013-026 (PA2013-230)
2125 San Joaquin Hills Road****CD 5**

Gregg Ramirez, Senior Planner, provided a brief project description stating that the requested minor use permit was to allow a 3,176-square-foot health and fitness facility in a vacant tenant space within a multi-tenant building located in Block 500 Newport Center.

Ramirez further stated all of the required findings could be made and recommended approval to the Zoning Administrator. He also requested the Zoning Administrator consider extending the closing hour of 8:00 pm to 10:00 pm, daily, to allow for flexibility in case the operator would like to provide classes later in the evening or if a change in the business model or ownership occurred. He further stated that there were no residential uses nearby and was not aware of other businesses open till 10:00 pm, except for possibly 24 Hours Fitness. Further in stated that the Manager of Bari Studio was available for questions.

The Zoning Administrator questioned staff about public comments received and stated she agreed with the suggested clarification to Condition of Approval No. 11 and saw no other issues. She also commended staff with their research of ADA issues and providing the flexibility with parking.

The Zoning Administrator opened the public hearing. One member of the public, Jim Mosher, questioned the location of 24 Hour Fitness and thought the business was closed; he noted that the hours of operation should be the same as a similar business located in the building known as Power Fitness; he questioned if three staff members were enough to accommodate 24 patrons; and questioned the City's chain of authority with the parking requirement decision.

The manager of Bari Studio clarified that three staff members were plenty for 24 patrons. She indicated Power Fitness is more of a private training facility and their studio focuses more on health and wellness and that they agreed with the suggested hours.

There were no other public comments.

To be consistent with the surrounding area the Zoning Administrator recommended Condition of Approval No. 9 be amended to 9:00 pm, daily, and noted that a correction to Condition of Approval No. 11 be made per comments received from Mr. Jim Mosher. The Zoning Administrator then took action and approved Minor Use Permit No. UP2013-026

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

A member of the public, Mr. Jim Mosher, stated that he went to the City Clerk's office per the direction of the Zoning Administrator, to inquire about the audio from previous meetings that had disappeared from the City's website and confirmed that the links were intentionally removed and that the public will never be able to access the Zoning Administrator audio from the City's website. He stated that he feels it is a very bad public policy; that the recordings are useful documentation and that they are prepared at tax payer expense. Furthermore, he explained that they should not be destroyed as they are no cost to keep.

E. ADJOURNMENT

The hearing was adjourned at 3:43 p.m.

The agenda for the Zoning Administrator Hearing was posted on December 19, 2013, at 4:35 p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on December 19, 2013 at 5:30 p.m.